

ECONOMIC DEVELOPMENT

HIGHER EDUCATION

and

ENERGY COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Economic Development, Higher Education & Energy Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Wednesday, June 21, 2006.

MEMBERS PRESENT:

Legislator Wayne Horsley • Chairman
Legislator Rick Montano • Vice•Chair
Legislator Tom Barraga
Legislator Jon Cooper
Legislator Lynne Nowick
Legislator William Lindsay • Acting Member

ALSO IN ATTENDANCE:

George Nolan • Counsel to the Legislature
Joe Schroeder • Budget Review Office
Joe Muncey • Budget Review Office
Renee Ortiz • Chief Deputy Clerk of the Legislature
Ben Zwirn • County Executive's Office
Carolyn Fahey • Economic Development
Charles Stein • Suffolk Community College
George Gatta • Suffolk Community College
James Morgo • Commissioner • Economic Development
All other interested parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:52 A.M. *)

CHAIRMAN HORSLEY:

All right. We will begin the Economic Development, Higher Education and Energy Committee meeting. May we all stand for the Pledge of Allegiance.

SALUTATION

CHAIRMAN HORSLEY:

May we also stand in reflection for those protecting us overseas as well as a firefighter, Michael Green who passed in action, a member of the West Babylon Fire Department.

MOMENT OF SILENCE

CHAIRMAN HORSLEY:

Thank you very much. Please be seated. All righty. Good morning, everybody and welcome. First of all, I have three cards for the public portion of the meeting. And if I may just call them up. First being Jennifer Browne of Long Island University.

MS. BROWNE:

Good morning.

CHAIRMAN HORSLEY:

Good morning. Jennifer, your name for the record.

MS. BROWNE:

Jennifer Browne from Long Island University. We're here to support Resolution Number 1778, the ground lease at Suffolk Community College, Eastern Campus.

CHAIRMAN HORSLEY:

Okay.

MS. BROWNE:

Do you have any questions?

CHAIRMAN HORSLEY:

You might want to just •• and I think we'll get this information from Mr. Gatta who is representing the Community College. But

maybe you might want to give your side of this issue. Tell us about it.

MS. BROWNE:

Sure. We're looking to bring Long Island University Graduate Programs to the Riverhead area so we can better serve the North Fork and Eastern Suffolk County with our teacher educations programs in particular. So we're looking to lease the building that's already at the Eastern Suffolk Campus that's owned by Modular Company, the building is. And we're looking to lease the ground space from Suffolk.

CHAIRMAN HORSLEY:

I'm sure we'll be hearing more from the College on this issue. Is anything else you would like to add? And questions from my fellow Legislators referring to this? George, you want to get the other half of this issue.

MR. GATTA:

If I could while the folks from LIU are up here. We were •• we had a call from LIU about a month and a half ago, maybe a little longer from the {PROBOST} asking to meet with us about potential partnerships with the College, particularly ones that we could foster in the Riverhead area in the vicinity of our Eastern Campus and going forward possibly in downtown Riverhead as we move forward with our Culinary Facility, Culinary Center.

At the meeting, the question was would we have any space on a temporary basis at our Eastern Campus. And it was serendipitous in that we were about to have a modular building, approximately a 10,000 square foot modular building removed. It was at the end of its lease. We no longer had use for it. Actually, the removal had been delayed for several months. And

at the time, we indicated that we thought it would be a very positive move for the Community College to partner with Long Island University to bring more to educational offerings to the East End to maintain LIU's presence there and also to explore articulation agreements and how we could enter into possibly a two plus two program where our students graduating in any number of areas might be able to enroll in courses that at some time in the future could be developed by LIU.

And certainly the availability of their Graduate Programs for East end residents, we thought would be a benefit to the County, it would enhance the Community College's reputation. The more folks that we can bring to our campus to see what the offerings are, we think the better it is for the Community College. So it was an issue that seemed right. We had some informal discussions with a number of the members of this committee. We moved quickly in discussing this with LIU. We hammered out an agreement.

Our Board of Trustees has •• has approved the potential lease. And we've also •• we've also had a number of meetings with the University to work out the operational issues. It would be a five year agreement. We would provide some custodial services. And others, we would be reimbursement for those through the lease agreement. And we think it's something that is a benefit to the College and a benefit to the residents of the East End of the County.

CHAIRMAN HORSLEY:

This is truly exciting stuff. I'm impressed by the concept. And it sounds like something that will benefit not only LIU, but certainly our school. I don't know if anyone else has any further comments on it. You're in the process of talking in the future

about Graduate Programs through LIU that can step up through the Suffolk Community Program to LIU through the Graduate Programs, I hear public administration and things like that are all on the table?

MR. GATTA:

Yes.

CHAIRMAN HORSLEY:

Really great stuff. Good for you. Congratulations. Thank you very much.

MR. GATTA:

Thank you.

CHAIRMAN HORSLEY:

All right. Jim McAsey from Jobs with Justice. Good morning.

MR. MCASEY:

Good morning. I'm here today to thank Legislator Cooper for his Memorializing Resolution in favor of IDA reform. So Mr. Cooper has been there time and time again for us to support worker's rights from passing •• or proposing resolutions in support of IDA reform to dressing up in bright yellow t•shirts that say, "Wal•Mart Workers Deserve Health Care," and on the back, "Wal•Mart Workers Deserve Living wages," and charging in with us to Wal•Mart to make that point.

So anyway, my name is Jim McAsey, and I work for Jobs with Justice here on Long Island. And for those of you don't know, Jobs With Justice is a coalition of 33 organizations comprised of labor unions, community•based organizations, faith•based community and student youth groups. And what we've done

with Jobs with Justice is to bring these organizations together to form one strong movement for social and economic justice.

Now, economic development is critically linked to social and economic justice in many ways. The IDAs are very important institutions that we have to create economic development and the jobs that come with it. Unfortunately, sometimes, they're abused and the public does not get a good return on their investment. What we're proposing with our IDA legislation in Albany is to make this institution more accountable, more accountable in several ways. We would like clear reports done so we know what's being done with our money. We'd like the potential for claw•back provisions so when companies take our money and don't create the jobs that they've promised, we have a chance to recap some of our resources. We'd also like to insert living wage and prevailing rates provisions in the IDAs.

Now, when we give our money away, we would like there to be created jobs with justice, jobs with health care and living wages. When that doesn't happen, and this does happen •• it has happened in Suffolk County companies received millions of dollars and then create jobs that pay poverty wages for their janitors, for instance, minimum wage. What happens then is that these workers then have to go on government programs such as Medicaid and food stamps to subsidize their salaries. So taxpayers get hit twice. Now, many of you know, I think, that the Comptroller Hevesi released a report and studied several IDAs. Would anyone like to guess IDA •• which County performed the best? Anybody? Anybody?

LEG. COOPER:
Suffolk.

MR. MCASEY:

Suffolk County, that's right. That's right. It was Suffolk County. We are doing a very good job here. I think now we have to help bring the state up to par and lead by example by passing this resolution. Also, finally, I just want to ask that we could •• anybody who has a relationship with Senator Trunzo and Senator Flanagan, give them a call and ask for their leadership in supporting this legislation in Albany. So once again, thank you, especially to Jon Cooper. Have a great day.

CHAIRMAN HORSLEY:

Thank you very much. I guess we can discuss this when we get to the motion. Also, Ellen Schuler Mauk from the Community College. I see you had a card here anyway.

MS. SCHULER MAUK:

Thank you. Ellen Schuler Mauk, President of the Faculty Association of Suffolk Community College. I'm here this morning just to mention to you that before you today will be the stipulation of agreement between the County of Suffolk and the Faculty Association. It's a six year agreement. We think that it's a fair agreement both for the County and the facility, and we hope that when you review it, that you will review it favorably and discharge it. If you have any questions later on when the item comes up before the agenda, I'll be happy to answer them.

CHAIRMAN HORSLEY:

Thank you very much. Any questions of Ms. Mauk? Terrific. All right. Are there any further cards? Anybody else like to be heard in the open portion? Then I will close the open portion, and we will move to the agenda. The first item on the agenda is tabled subject to call. That will be skipped.

COMMISSIONER MORGO:

Wayne.

CHAIRMAN HORSLEY:

Yes, Jim. Mr. Morgo. Commissioner, thank you for joining us with the agenda. Would you like to have any opening remarks before we vote on any of these issues, or would you like to them one by one?

COMMISSIONER MORGO:

Thank you, Legislators. I would like some opening remarks. First of all, I want to condemn •• no commend. Those when the old days when the Legislature used to be condemned. I want to commend the Legislature for its suggested appointments to the IDA and to the Local Development Commission and to the Film Commission. I just met Steve Rossetti who you suggested for the IDA and Isabelle Nancy Rupp who is being suggested for the Film Commission. I know Pat McMahon and Alan Ehl. I think that they're all terrific appointments, and I think that you would do well to further them.

I do want to speak about a bit about IR 1747, and Carolyn Fahey has given you some supportive information that you should have before you. I think you have the Executive Order 26 before you and the final report of the Citizens Advisory Board out at the airport. So you should have both of those before you. Let me just talk about •• a bit, Ladies and Gentlemen, 1747 and Executive Order 26. They both have the same purpose, and it is really not a stretch to call 1747 a redundancy.

I just want to go quickly over the history. I'm sure you all remember the history. When there was legislation to abolish the Lease Screening Committee, this committee made it contingent

upon establishing a panel with strong local representation that would provide advisory opinions to the Legislature on each lease. Remember you said you weren't going to pass 1143, which abolished the Legislature (sic) until that was in place. Well, it is in place, it was established by Executive Order 26 ••

CHAIRMAN HORSLEY:

Abolish the Legislature?

COMMISSIONER MORGO:

What did you say?

CHAIRMAN HORSLEY:

To abolish the Legislature?

COMMISSIONER MORGO:

To abolish the Airport Lease Screening Committee. I'm having flashbacks, I guess, because when I was up there, there was a strong move to condemn the Legislature and abolish it. But that's all changed. Anyway, to abolish the Airport Lease Screening Committee. That •• the new airport conservation advisory panel is in place, it has its first meeting scheduled for July 12th.

Let me go through 1747 and point out that there are admittedly some differences between it and the Executive Order. For one thing, I don't think this is very substantive, but one thing that 1747 does, it calls the new group a committee, not a panel. The Executive Order named specific individuals to serve on the panel. 1747 designates different entities to appoint people to the panel. 1747 provides three year terms for the specific •• for these appointed people. The Executive Order is silent on terms.

I see a problem with the idea of appointing for specific terms. You should have the report of the citizens advisory board to you and the County Executive before you. If you turn and look at page eight, you should have a section on page eight highlighted. And it refers to the panel that I said was established by the Executive Order. If I may read it. " While decisions of the ACAP are not binding, the Legislature, which will have final authority on lease decisions, is obligated to take into serious consideration the advisory opinions of ACAP. ACAP should for the first year and perhaps as long as the CAB exists be a subcommittee of, report to and be subject to oversight by the CAB. It should be understood that at the end of the first year, the CAB in consultation with the County Executive and subject to public comment will review the ACAP process in light of actual experience with a view of making necessary and desirable changes.

Let me tell you why I think this is important. The Citizens Advisory Board that was incredibly necessary out at the airport worked in consultation with management at the airport to name people to this new panel and said, let's see if it works for a year. 1747 codifies this committee by Local Law. And you know how difficult it is to change a Local Law. Just for example, the Airport Lease Screening Committee was seen to be ineffective and dysfunctional, and it took about eight years to change it.

The second thing it does, it gives all the members three year terms, and that seems to fly in the face of the current committee and the people in the •• the neighbors of the airport are saying, let's look at it and see if it works after a year. I don't know if you followed me on all of this. But the final difference, and this is an important one. And this is something that being objective about this is not in the Executive Order, in

1747 in Section I, it mandates that the Legislature before making any decision on a lease consider the recommendation pro or con for a lease by this new committee.

The Executive Order says that the recommendation will be give to the Legislature. An Executive Order can't mandate the Legislature to do anything. So it is in the new law, it's not as it exists. However, and with all seriousness, having sat up there, I can't imagine a recommendation from a duly constituted Citizens Advisory Panel that meets in consultation with the airport management making a recommendation, having a backup to a lease resolution and Legislators not considering it.

So although it's mandated by the Introductory Resolution, I strongly think that you would not disregard their recommendations. So those are the major differences. It has the same purpose, it is constituted of the same representatives; local citizens, aviation people. One of the things the Executive Order mandates is that a local environmental group, the Group for the South Fork have input. That is not in the resolution.

CHAIRMAN HORSLEY:

Okay. So your recommendation is that •• we have to table this anyway, because it needs a public hearing, but are you also saying that this is something that we should put aside?

COMMISSIONER MORGO:

I would like to have the opportunity to speak with the sponsor. The sponsor, by the way, is a member of the panel set up by the Executive Order. So he is a member of the panel that's going to have its first meeting on July 12th. So you're going to have table it anyway. So I know what Jay is trying to do, he's trying to codify what we have here, and I don't think that's a bad

thing, but I don't know if it's necessary.

CHAIRMAN HORSLEY:

I think we will table it anyway, because we have to. Anything else you would like to add?

COMMISSIONER MORGO:

Yeah. On the Memorializing Resolution dealing with the support of the law related to the IDAs, to make them more effective and more accountable, although this was on the agenda, Mr. Chairman, I did not see the Memorializing Resolution until just a few minutes ago. It was not in my packet.

Notwithstanding that, my first reaction was that I'm glad I don't have to vote on this, because this is one that have nuances. I think all of us being involved with IDAs, being involved with the need to create economic incentives, particularly in a place like Suffolk County, where it's very difficult to attract new businesses in deed, it's very difficult to retain businesses and help them expand. I am aware, however, of the abuses in some incentive programs across New York State. I understand why our friends in Labor are supporting this bill, I understand why Assemblyman Sweeney is sponsoring it.

One of things that the speaker who spoke in support of this legislation stole my thunder a little bit, because I was going to mention that the IDAs that were audited by Comp Hevesi, the only IDA that far exceeded its projected job estimates that were going to be created was the Suffolk County IDA. And the reforms that are being asked for already exist in the Suffolk County IDA. We have clear reports, we have claw•back provisions, and we mandate prevailing wage for any IDA job that's in excess of \$5 million.

The IDA Board is changing mostly due to your •• I don't mean yours, Wayne, I mean the entire Legislature's •• and it's becoming more responsive, not to say that it hasn't been responsive. The only reservation, and it's a strong reservation, I have with this legislation, with this Memorializing Resolution, is that the business climate is so difficult in Suffolk County now. We meet in my department with a lot of businesses. They always mention three disincentives; taxes, cost of energy, and the cost of housing. And they also frequently mention New York State regulations.

The perception of this bill in the business community is that it's adding regulation, which adds time, which adds money. And it is something that maybe is necessary in other IDAs. I know that these reforms are not necessary for the Suffolk IDA, but I also know they will add increased paperwork. You are familiar with the legislation that the Governor signed on the Accountability Act for all authorities?

CHAIRMAN HORSLEY:

Which was a massive overhaul.

COMMISSIONER MORGO:

Which adds massive work. As I look at that •• massive time. What that requires •• I don't know why anybody •• I shouldn't say this with Steve Rossetti here •• would want to sit on an IDA, because it requires two courses a year, governance changes. So the perception here is that it's going to add time and crippling delays. And it maybe necessary in other regions of the state, and I think it is, but I just don't think that it's good for the business climate in Suffolk County.

CHAIRMAN HORSLEY:

Thank you very much. I appreciate your comments, Mr. Morgo, and your frankness. Let me ask you a few questions on that. The other IDAs that in Suffolk County would be Brookhaven, Babylon, Islip, I don't think there are any others.

COMMISSIONER MORGO:

Riverhead.

CHAIRMAN HORSLEY:

Riverhead. My apologies. They have all signed on to many of these reforms that have aligned themselves with this already, is that my understanding?

COMMISSIONER MORGO:

I know Babylon has. I think •• Brookhaven I know has the prevailing wage. I'm not sure of Riverhead and Islip.

CHAIRMAN HORSLEY:

Thank you very much. We may be calling you back on other issues.

COMMISSIONER MORGO:

Okay.

CHAIRMAN HORSLEY:

Mr. Gatta.

MR. GATTA:

If I can just take a moment to update on the committee on IR 1511. I was advised this morning that it had been withdrawn by the County Executive. I just wanted to give you an update. Because of the lengthy discussion that we had at the committee

meeting two weeks ago, there were •• as you recall, there were a number of companies that were here in support of the proposal to fund the construction of the HVACR facility at our Western Campus. Additionally, we have a partnership with the Oil Heat Comfort Corporation, the Oil heat Institute of Long Island and Kevin Rooney is here today as well.

At that meeting, the Presiding Officer requested that it be tabled for one cycle to allow the College to meet with some of the construction trade unions that had voiced some concerns with the appropriating resolution. Through the efforts of the County Executive's Office, Frank Nardelli and Robert Dow, our Labor Commissioner, we did have a meeting last Friday. It was a lengthy meeting. It lasted most of Friday afternoon. All of the issues were put on the table, and we thought at the conclusion of the meeting that we had made progress. And at the suggestion of Mr. Nardelli, the unions, we thought, were willing to enter into a memorandum of understanding with the College.

Their primary concern being that our program was not an apprenticeship program for any union. I stated emphatically at least five times that our program was an educational offering, it was an academically•based program, and it was our not intention, our plan or our desire to be an apprenticeship program for any company or any union. However, since then, we've had some further discussions with the County Executive's Office, and we are going to continue to try to reach out to the trades to see if there is some middle ground. I understand there was a contingent of some construction trades at the committee yesterday morning voicing opposition. They were not the same officials that were at the meeting on Friday. John {Tourpey}, head of the Steamfitters was there, the director of his education division was there, the Sheet Metal Workers, Senior Leadership

was at the meeting. And it's my understanding that the folks that were here yesterday were not the same individuals that attended that meeting.

So at this point we're hopeful that we can make progress with them. We're certainly willing to discuss how we could hopefully even partner with them, maybe some type of articulation agreement where some of the folks that are going to the 638 School might be given some type of advanced standing credit towards an Associate Degree at the College where they can finish their humanities and their other Liberal Arts requirements, English and Communication requirements, for a degree. Beyond the MOU stating that we would not be •• we are not going to be an apprenticeship program for any union or for any company. So we're hopeful that within the not too distant future we can work that out, and the County Executive will see fit to reintroduce the resolution.

CHAIRMAN HORSLEY:

It is my understanding, Mr. Zwirn, that this has been withdrawn.

MR. ZWIRN:

That's correct.

CHAIRMAN HORSLEY:

Ms. Nowick.

LEG. NOWICK:

Just having listened to you, it was withdrawn, so it's taken off the table, yet you are thinking that there's a possibility that you can all meet and maybe come to reach an agreement.

MR. GATTA:

We're certainly hopeful.

LEG. NOWICK:

I'm just curious why it wasn't tabled.

MR. GATTA:

I'm just relating what Ben advised me this morning.

CHAIRMAN HORSLEY:

I heard this last night.

LEG. NOWICK:

I just wondered if you thought that maybe •• when I see withdrawn, I'm thinking that there's no chance, but now you are saying there's a possibility that all of you might meet and come to an agreement and then it gets reintroduced, Ben?

MR. ZWIRN:

Yes.

MR. GATTA:

I think there are a number of factors. Number one, their concern was that our educational offering not be designated •• or we don't have an agreement with the union or a company to be an apprenticeship program. Whether or not we build that new facility, our program exists, it's existed for three years, it will continue. And whether we have a new facility or we don't, that's something that could happen should the College wish it, but it does not wish it. So I think that argument is really •• we really need to put that on the side.

The second thing is the state has already approved the funding for the facility, the Legislature and the Executive already

appropriated the design money, and the facility is in design right now. So the clock is already ticking and we're spending money on designing a facility that for six years we've all agreed is needed and is one that be of benefit to our students and o the residents of the County. So I think there are a number of •• this project has momentum, but we're certainly willing to try to meet their concerns, address their concerns and come out with something that will not hurt the unions and will help our students and the County.

LEG. NOWICK:

Okay. So then it's off the table for a little so everybody gets a chance to get their input in there. Okay. I just wanted to see where it was. Thank you.

CHAIRMAN HORSLEY:

Any further questions of Mr. Gatta? Thank you, Mr. Gatta.

MR. GATTA:

Thank you.

CHAIRMAN HORSLEY:

We're going to be moving forward.

1163, (Establishing a Task Force to study the feasibility of increasing revenues and promoting economic development by establishing a horseracing track in Suffolk County).

LEG. COOPER:

Motion to table.

LEG. NOWICK:

Second.

CHAIRMAN HORSLEY:

Seconded by Legislator Nowick, initiated by Legislator Cooper. All in favor? Opposed? So moved. **Tabled. (VOTE:6•0•0•0 • Presiding Officer Lindsay was present and voted)**

M031. (Memorializing resolution in support of replacing LIPA's appointed Board of Trustees).

LEG. COOPER:

Motion to table.

CHAIRMAN HORSLEY:

Motion to table by Legislator Cooper, is there a second on the motion?

LEG. MONTANO:

I'll second it.

CHAIRMAN HORSLEY:

Seconded by Legislator Montano. All in favor? Opposed? So moved. **Tabled (VOTE:6•0•0•0 • Presiding Officer Lindsay was present and voted).**

There are no tabled Home Rule Messages. Introductory Resolutions.

1659, (Approving the appointment of Isabella Nancy Rupp as a member of the Suffolk County Motion Picture/Television Film Commission.)

Is Ms. Rupp here? I understand she is. Come on, up.

MS. RUPP:

Hello.

CHAIRMAN HORSLEY:

Good morning. Why don't you tell us a little bit about yourself and your interest in why you want to be a member of the Motion Picture Television Business of Suffolk County.

MS. RUPP:

Well, I was born and raised in Northport, Long Island, so I'm a Suffolk County girl and grew up here and lived in Manhattan and worked in television and film for the last 20 years. I just moved back out to Southampton. I love TV and film and have a lot of experience in both and certainly love Suffolk County.

As far as I understand it, the Board's purpose is to help bring more business out to Suffolk County, television and film related. So having a lot of experience. Just to give you a little bit of background, I'm currently the technical director or the Montel Williams Show and was nominated for an Emmy. I've worked at ABC and NBC and CNBC on both the production; writing, producing and directing as well as technical sides. So I think to serve as a bridge with connections in New York and Suffolk County to see how one can help serve and grow the other will be helpful.

CHAIRMAN HORSLEY:

Very good. Thank you very much. Are there any questions of Ms. Rupp?

LEG. COOPER:

Motion to approve.

CHAIRMAN HORSLEY:

Motion by Legislator Cooper, seconded by Legislator Montano.
All those in favor? Opposed? **APPROVED (VOTE:6•0•0•0 •**
Presiding Officer Lindsay was present and voted)

Congratulations and welcome aboard.

MS. RUPP:

Thank you very much.

CHAIRMAN HORSLEY:

1742, (Appointing Alan J. Ehl as a member of the Suffolk County Industrial Development Agency (IDA)).

CHAIRMAN HORSLEY:

I got a phone call from Mr. Ehl the other day. He said he was unable to make it. Mr. Morgo, are you still here? I know that this is the last meeting of this committee prior to •• prior to •• this is the last meeting of this committee. I know he was unable to make it, he had business out of town. And we have his resume in front of us. Do you need him on the IDA •• because this will be the last one of the summer •• we're going to need him by September?

COMMISSIONER MORGO:

Alan can attend your full Legislative meeting. And, yeah, it's the Legislators' decision to fill a position, and this came forward. So to be very direct, yes, it would be good if you passed this out and we would get him to the full Legislature on Tuesday.

CHAIRMAN HORSLEY:

That being the case, because it is unusual, general speaking the

candidates prior have had to appear before the committee, that I would make sure that that's placed into the minutes here today that we recognize it to be an unusual situation, but because of the timeliness of the appointment, I would make a motion to approve without recommendation to bring it before the full Legislature next Tuesday.

LEG. COOPER:

Second.

CHAIRMAN HORSLEY:

Seconded by Legislator Montano. All in favor? Opposed? So moved. **Discharged without recommendation. (VOTE:6•0•0•0 • Presiding Officer Lindsay was present and voted).**

1747, (Adopting Local Law No. 2006, A Local Law to establish the Gabreski Airport Conservation and Assessment Committee).

That motion needs a public hearing and should be tabled. Motion to table by Legislator Cooper, seconded by Legislator Montano. All in favor? Opposed? **Tabled. (VOTE:6•0•0•0 • Presiding Officer Lindsay was present and voted)**

1748, (To appoint Director to the Suffolk County Local Development Corporation (Patricia M. McMahon)).

CHAIRMAN HORSLEY:

She is just a wonderful candidate for the local development corporation. Mr. Nolan, what was the last we heard on this? I know she's not here today, because she had prior business as well.

MR. NOLAN:

You need to table this resolution.

LEG. COOPER:

Motion to table.

MR. NOLAN:

I'm told it needs to be tabled. She maybe up for another position.

CHAIRMAN HORSLEY:

Okay. Motion to table by Legislator Cooper, seconded by Legislator Montano. All in favor? Opposed?

Motion has been **tabled (VOTE:6•0•0•0 • Presiding Officer Lindsay was present and voted)**.

1751, (Appointing Steven Rossetti as a member of the Suffolk County Industrial Development Agency (IDA).

CHAIRMAN HORSLEY:

I understand Steven is here. I see that he is here. Mr. Rossetti, welcome.

MR. ROSSETTI:

Good morning.

CHAIRMAN HORSLEY:

Why don't you tell us ••

MR. ROSSETTI:

I am a glutton for punishment by the way.

CHAIRMAN HORSLEY:

So kind of Mr. Morgo to give such a leading line as that. Why don't you tell us a little bit about yourself, your interest in the IDA And why you would like to be appointed.

MR. ROSSETTI:

I am presently a commercial real estate broker. I've been an investor, developer. I am also a business broker, and I've been a business broker for almost 19 some odd years now. That experience in those industries allow me to touch so many different businesses and to learn about them and understand what makes them tick. That experience is invaluable to see what works, what will work here in Suffolk County.

I've grown up in the business environment every since I was a young child, I started in retail. I have experience in energy trading, creating businesses, creating jobs and also morphing into other industries over the years. I've served my communities where I've lived over the years in different capacities. I've been a member of the PAL, the Police Athletic League Board in Nassau County. I also was a member of the Freeport Chamber of Commerce and was also named Businessman of the Year in 1995.

I look forward to bringing my experience here to bear •• to assist my community in growing its economy. I see the IDA as the spark to the frame, the spark to create jobs, good paying jobs, prevailing wage, living wage jobs that also provide health benefits. Secondly, I see it as having the capability of being able to create and keep downtown businesses as opposed to big box stores. Small mom and pop stores are a •• have a special place in my heart. I think it's the golden egg of our local communities.

CHAIRMAN HORSLEY:

Very good. Thank you very much, Mr. Rossetti. Then it sounds like you would agree with Mr. McAsey on the goals and the direction the IDA should be taken.

MR. ROSSETTI:

Without a doubt. Without a doubt.

CHAIRMAN HORSLEY:

Ms. Nowick.

LEG. NOWICK:

Not for you, Mr. Rossetti. But thank you for volunteering. I understand this is a lot more work than you think. Just •• I see this is to replace the present member {Ehmile G. Pavlik}. Is the term of office expired?

CHAIRMAN HORSLEY:

I believe it is expired.

MR. NOLAN:

They can be replaced any time. They served at the pleasure of the appointing authority, which is us.

LEG. NOWICK:

But he's aware, right?

MR. NOLAN:

That I don't know.

CHAIRMAN HORSLEY:

He's been advised?

COMMISSIONER MORGO:

I believe so, Wayne.

CHAIRMAN HORSLEY:

Okay.

LEG. NOWICK:

I think that would be a good idea in the future just to let them know.

CHAIRMAN HORSLEY:

I thought that was done to be honest with you. Not to mention Mr. {Pavlik} is a friend, and he's from my town. Good fellow.

P.O. LINDSAY:

Mr. Chairman, if I might add that there's a stand procedure now that as soon as an appointment is approved, a letter of thanks goes out to the prior people, whether their term is up, whether they're a hold•over or whether there is no term. But that's an automatic procedure.

CHAIRMAN HORSLEY:

So this has been done then?

P.O. LINDSAY:

Well, it hasn't been done yet. It won't be done until •• you don't want to tell someone they are off until you approve someone else. What happens if you don't approve the person?

CHAIRMAN HORSLEY:

That's very logical. Okay. Thank you very much, Mr. Rossetti,

for offering our time and expertise to the County of Suffolk. May I have a motion?

LEG. COOPER:

Motion to approve.

CHAIRMAN HORSLEY:

Motion to approve by Legislator Cooper, seconded by Legislator Montano. All in favor? Opposed? So moved. **Approved (VOTE:6•0•0•0 • Presiding Officer Lindsay was present and voted).**

1778, (Approving a ground lease at Suffolk County Community College's Eastern Campus in Riverhead, New York).

CHAIRMAN HORSLEY:

We've already heard from LIU as well as the College on this matter. Motion to approve by Legislator Barraga, seconded by Legislator Nowick. All in favor? Opposed? So moved.

APPROVED (VOTE:6•0•0•0 • Presiding Officer Lindsay was present and voted).

1807, (Authorizing the County Executive to execute an agreement with the Suffolk County Faculty Association, Suffolk County Community College, covering the terms and conditions of employment for employees covered under Bargaining Unit No. 3 for the period September 1, 2005, through August 31, 2011).

LEG COOPER.

Motion to approve.

CHAIRMAN HORSLEY:

I understand that •• there's a motion to approve and seconded by Legislator Barraga. I understand that BRO would like to weigh in on this and give us a report.

MR. LIPP:

Good morning. We have issued report as of yesterday, and it summarizes what the cost increments are. And basically the annual increments range from two to 3% excluding steps that is and an average of 2.75% over the six years of the agreement starting September '05 and ending 2011. The two to 3% increase is rather modest compared to inflation, for instance, which last year averaged about 3.8%, all items and 2.2% % without energy and food. And then, of course, they get their normal step increases they've been getting for a considerable length of time. And there are even a couple of minor give •backs, such as professors at Step 20 received a 1.25% on '07, compared to 2.85% for others.

We also present the report in two ways. One is we give the annual increases, which total not only salaries with benefits, 13.7 million over six years, 2005 to 11. And in addition to that, we also presented as a cumulative total. So the increases occur on top of increases. So over the total life of the program, the cumulative increase is 42.7 million.

CHAIRMAN HORSLEY:

Thank you very much, Mr. Lipp. We appreciate comments. Are there any questions from our Legislators? Anyone else like to be heard on this issue? We have a motion to approve and second, all in favor? Opposed? **Approved (VOTE:6•0•0•0 • Presiding Officer Lindsay was present and voted).**

Congratulations to both the County Executive's Office as well as the College and, of course, the Legislature in working on this agreement.

1809 (Adopting Local Law No. 2006, A Local Law to prohibit the construction and operation of liquefied natural gas (LNG) floating storage regasification units in the Long Island Sound).

We have a motion to table. We need a public hearing. I do understand •• there's second on the motion. Seconded by Legislator Montano. I understand that Mr. Armentano would like to speak. The motion was Cooper and Montano to table for a public hearing. Mr. Armentano, please.

MR. ARMENTANO:

Well, I don't have prepared statements on this, but I am available if you have any questions that you want to ask about it, about the extent of the jurisdiction and things of that nature. Since •• from press reports and everything else, we'll probably be subjected to a lawsuit on it. I don't want to make too many comments at the public session, let's put it that way.

CHAIRMAN HORSLEY:

Mr. Armentano, by the way is an Attorney with {Farrell, Fritz PC} representing this Legislature.

MR. NOLAN:

We hired this firm to represent us in the proceedings before FERC regarding the Broadwater license.

LEG. MONTANO:

That was last year?

MR. NOLAN:

Last year, I believe we hired them, yes.

MR. ARMENTANO:

The basis of this is the Navigation Law and the statute of the laws of 1881, which gave specific authority to the County, to the Connecticut line in the Long Island Sound over the waters. And it's just a complete jurisdiction. So that's what you are acting under.

CHAIRMAN HORSLEY:

Did you find this law Mr. Armentano?

MR. ARMENTANO:

Our office did. The young man who was with me, Frank {McRoberts} was the one who actually first laid eyes on it, let's put it that way. And I was delighted to be the second to lay eyes on this law. My first response was, "Is it still good?" And the answer was yes. So here we are.

CHAIRMAN HORSLEY:

Thank you very much. Are there any questions of Mr. Armentano?

Thank you very much for coming down today. We have a motion to table and seconded. All in favor? Opposed? **Tabled (VOTE:6•0•0•0 • Presiding Officer Lindsay was present and voted).**

Procedural Motion No. 6 (Authorizing continued funding in connection with enforcement of LIPA settlement agreement against LIPA overcharge of Suffolk

ratepayer).

Mr. Lindsay, would you like to ••

MR. NOLAN:

Actually, let me speak to it.

CHAIRMAN HORSLEY:

Sure. Mr. Nolan would like to speak to this.

MR. NOLAN:

Actually, this is going through this committee, because this is the committee that is overseeing the litigation against LIPA that's been going on for a number of years. We've hired Reilly, Like and Tenety to bring that litigation. Several years back, they suggested to the County Legislature that we hire forensic accountants to go through LIPA's books to help us in prosecuting the lawsuit. They're contract is expired. The money •• I think it was \$50,000 that authorized for them •• has been spent. This would authorize a new contract for \$62,500 for continuation. I spoke to Irving Like, he said it's absolutely necessary for the prosecution of the case to continue with this consultant Hudson River Energy Group. That's why this resolution is before the Legislature.

CHAIRMAN HORSLEY:

Mr. Barraga.

LEG. BARRAGA:

I'd like to ask Mr. Nolan, what is the overall cost of this so far, between the law firm and now this initial contract with the accounting firm and now a new contract? What are we talking about? How much has the County spent so far in pursuing this?

MR. NOLAN:

Actually, less than you might think. To date, the law firm has been authorized \$195,000. This case has been going on for a number of years. As I mentioned, this particular group Hudson River Energy Group, we authorized \$50,000 for them. This is another 62,500. So you're talking about \$300,00, yes.

LEG. BARRAGA:

So far.

MR. NOLAN:

So far.

CHAIRMAN HORSLEY:

The up side to this, Mr. Nolan, as far as if we are to win this litigation.

MR. NOLAN:

I can only go by what Mr. Like told me, it's indispensable to continue in the case. They have to look at LIPA's books in a close way to gain the information we need to be successful.

P.O. LINDSAY:

Mr. Chairman, I'm not a huge proponent of lawsuits to start off with. I know that we spend literally millions in the Shoreham litigation. And I'm very reluctant to go down the litigation road in a lot of instances. However, with this particular suit, it's really getting very close to being settled, it's on the 11th hour. There is a multi potential for a multi million dollar settlement in the County's favor. Being that we've spent a couple of hundred thousand dollars already, I think it would be very foolish if we didn't continue the process. And I would urge my colleagues to

approve this additional appropriation.

CHAIRMAN HORSLEY:

Thank you very much, Mr. Lindsay. Any further questions from the Legislators? I'll make a motion to approve ••

LEG. COOPER:

Second.

CHAIRMAN HORSLEY:

•• the Number 6 Procedural Motion. Seconded by Legislator Cooper. All in favor? Opposed?

LEG. BARRAGA:

Opposed.

CHAIRMAN HORSLEY:

Mr. Barraga is in the negative. **APPROVED (VOTE:5•1•0•0 • Presiding Officer Lindsay was present and voted • Opposed, Legis. Barraga).**

M045, (Memorializing resolution requiring Public Service Commission oversight of LIPA "fuel surcharges").

LEG. COOPER:

Motion to approve.

CHAIRMAN HORSLEY:

Motion to approve by Legislator Cooper, seconded by Legislator Montano. All those in favor? Opposed? So moved. **Approved (VOTE:6•0•0•0 • Presiding Officer Lindsay was present and voted).**

M053. (Memorializing resolution in support of creating the Long Island Utility Oversight Panel).

I'll make a motion to approve, seconded by Legislator Cooper. All in favor? Opposed? So moved. **Approved (VOTE:6•0•0 •0 • Presiding Officer Lindsay was present and voted).**

M054. (Memorializing resolution in support of amending the law related to Industrial Development Agencies to make them more effective and accountable).

LEG. COOPER:

Motion to approve.

LEG. MONTANO:

Second.

CHAIRMAN HORSLEY:

Motion to approve by Legislator Cooper, seconded Legislator Montano.

LEG. BARRAGA:

In the negative.

CHAIRMAN HORSLEY:

Again, this goes back to Mr. Morgo's comments where there was a concern for the business community, the message that we'd be sending to them. Let me ask you this, Legislator Cooper, while we're discussing the motion, this is apparently going to be voted on when? The Legislature is going out of business.

LEG. COOPER:

The rumor is that the State Legislature will be closing for the

summer on Friday.

CHAIRMAN HORSLEY:

We're meeting next Tuesday. Would this be ••

LEG. COOPER:

Most likely not, but I'd still like to send the message that it was approved out of committee.

CHAIRMAN HORSLEY:

I'm not in favor of it, but that's okay. Vote on the motion. Take a roll call.

LEG. COOPER:

Sure.

LEG. COOPER:

Yes.

CHAIRMAN HORSLEY:

Should I just go •• Legislator Cooper, yes, Legislator lindsay?

P.O. LINDSAY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. MONTANO:

Yes.

CHAIRMAN HORSLEY:

No. APPROVED (VOTE:4•2•0•0 • Presiding Officer Lindsay was present and voted • Opposed, Legis. Horsley and Barraga).

I believe that concludes our business today. Any further business before this committee? Motion to adjourn, seconded by Legislator Barraga. All those in favor? Opposed? So moved.

(* THE MEETING WAS ADJOURNED AT 10:45 A.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY